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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,757	11/14/2003	Daniel P. Rothman	777-02-PA-J	2858
22145	7590	12/14/2004	EXAMINER	
KLEIN, O'NEILL & SINGH			GHATT, DAVE A	
2 PARK PLAZA			ART UNIT	
SUITE 510			PAPER NUMBER	
IRVINE, CA 92614			2854	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/713,757

**Applicant(s)**

ROTHMAN ET AL.

**Examiner**

Dave A Ghatt

**Art Unit**

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-20 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11-14-03</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-20 are objected to because of the following informalities: The last lines of each of the independent claims (1, 12, and 18) all recite the language “the cover adapted to support the reduced-size housing in selected positions *when* removed from the reduced-size housing.”

[Emphasis added] However from the written description and from the illustrations in Figures 5 and 6, it is clear that when the cover is supports the reduced-size housing, *the cover is still attached to the housing*, and therefore *not* removed from the housing as claimed. Therefore, it is clear that the applicant meant to claim the cover adapted to support the reduced-size housing in selected positions, when the cover is removed *from the original covering position*. Appropriate correction is required.

The applicant should note that in the examination of this application, the examiner treated the claim as if it required the support, when the cover is removed *from the original covering position*.

Claim 5 is objected to because of the language of line 4, “standard-size keyboard.” It appears as though the applicant meant “standard-size key arrangement.” Appropriate correction is required.

Claim 15 is objected to because of the language or lines 3-4, “standard-size keyboard,” for similar reasons as outlined above.

Claim 15 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 13. When two claims in an application are duplicates or else are so close in content that they both

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cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 11-13, and 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen (US 6,648,534). As illustrated in Figures 2, and 5A-5C, Chen teaches the claimed portable keyboard. With respect to claims 1, 12, and 18, as illustrated in Figures 2, and 5A-5C, Chen teaches a base having a reduced-size housing (shown generally at 20 in Figure 5B) with a standard-size key arrangement (shown at the top of the keyboard, and outlined in column 1 line 34) held in the reduced-size housing. With respect to the requirement for *reduced-size housing*, the applicant should note that insofar as structure is recited, the housing of Chen meets the requirements for reduced-size. Figures 2 and 5A-5C of Chen show a cover 21 slidably and removably held on the reduced-size housing (shown generally at 20 in Figure 5B). Figure 2 of Chen also shows the reduced-size housing 1 including portions, elongated sides (not numbered) cooperating with portions 23 on the cover to allow the cover to be slidably removed from and put on the reduced-size housing 1. As illustrated in Figures 5B and 5C, and as outlined in column 3

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line 61 to column 4 line 2, the cover 21 is adapted to support the reduced-size housing in selected positions, when the cover is removed *from the original covering position*.

The applicant should note that even if independent claims 1, 12, and 18 were interpreted as written, given the structure of the cover which as taught in column 3 lines 19-23 is made of a plastic material, the cover is adapted to support the reduced-size housing in selected positions *when removed from the reduced-size housing*.

With respect to claims 2 and 17, Figure 6 of Chen illustrates the cover having an open U-shaped configuration, which enables it to be moved onto and off the reduced-size housing.

With respect to claims 3 and 16, the conventional keyboard as outlined in column 1 line 34, and as illustrated in the Figures, comprise typing keys, a numeric keypad and function keys. The applicant should note that as broadly recited, all the keys on the keyboard are typing keys, because they are used for typing.

With respect to claims 4 and 17, as illustrated in Figure 2, Chen teaches the housing including slots 22 formed along elongated sides and the cover includes flanges (one flange illustrated generally at 212) formed at lower ends of the side edges.

With respect to claims 5, 13, 15, and 19, insofar as structure is recited, Chen teaches the claimed invention. Figures 3A and 3B of Chen illustrate raised ears 232 and 242 formed along one side of the cover, which cooperate with the flattened inner portion of the slot 22 formed in a bottom of the reduced-size housing to support the reduced-size housing and the standard-size keys in an angled position, when the cover is removed from its original covering position.

With respect to claim 11, Figure 2 show slots 22 formed along elongated sides (not numbered) of the reduced-size housing and the cover 21 includes flanges (one flange illustrated

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generally at 212) formed at lower ends of the side edges. Figure 6 shows the cover 21 having an open U-shaped configuration to enable it to be slid onto and off the reduced-size housing by cooperation of the flanges with the slots. The conventional keyboard as outlined in column 1 line 34 the standard-size key arrangement only includes typing keys, a numeric keypad and function keys. As stated above, as broadly recited, all the keys on the keyboard are typing keys, because they are used for typing.

With respect to claim 18, as illustrated in Figure 5C, the cover 21 of Chen is slidably held in a two slots formed along elongated sides of the reduced-size housing.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9, 10, 14, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 6,648,534 B2) in view of Lichte et al. (US 5,197,178 A). As outlined in the above rejections to claims 1-5, 11-13, and 15-19, Chen teaches all the claimed subject matter, including a cover 21 with a substantially flat top. However, Chen does not teach an extending portion on one side to cover to firmly capture a USB connector therebetween. Lichte et al. also teaches a keyboard 11 with covers (14, 16), as illustrated in Figures 1 and 2. As illustrated in Figure 4, and as outlined in column 5 lines 53-64, the cover of Lichte et al. includes an extending portion 98 to capture a connector therebetween. To one of ordinary skill in the art, it would have been

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obvious to include in the apparatus of Chen, an extending portion as taught by Lichte et al., in order to cover the mouse port and protect it from dust and other elements that can cause damage.

With respect to claim 10, the primary reference Chen teaches slots 22 formed along the elongated sides of the reduced-size housing, and the cover includes flanges formed at the lower ends of the side edges. See Figure 2 of Chen, which shows one flange generally illustrated at 212.

#### ***Allowable Subject Matter***

6. Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to overcome the objections in paragraph 1 of the present office action including all of the limitations of the base claim and any intervening claims.

Claim 6 is indicated as having allowable subject matter, because the prior art or record does not teach or render obvious the total combination claimed, including raised ears formed along one side of the cover which cooperate with flattened portions formed in a bottom of the reduced-size housing, further including slots formed along the reduced-size housing.

#### ***Conclusion***

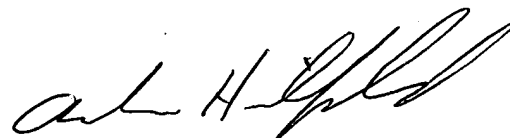
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAG



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